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FROM: Kenneth H. Tarbet

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# OF PAGES (INCLUDING COVER):

FILE NAME: IBIS0055-1001/IBIS0403

DATE: February 9, 2004

FILE #: 139881

RECIPIENT(S)	PHONE	FAX
Examiner Habte, Kahsay		703 872 9306

MESSAGE: OFFICIAL FAX! PLEASE DELIVER TO EXAMINER

Serial No.: 10/071,978

Attachments Transmittal Form (1 page)  
Fee Transmittal Form (1 page)  
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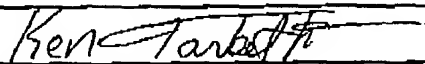
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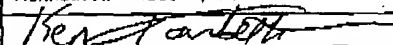
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/071,978	
	Filing Date	February 6, 2002	
	First Named Inventor	Eric E. Swayze	
	Art Unit	1624	
	Examiner Name	Kahsay Habte, Ph.D.	
Total Number of Pages in This Submission	23	Attorney Docket Number	IBIS0055-100/IBIS0403

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Kenneth H. Tarbet/43,181
Signature	
Date	February 9, 2004

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Typed or printed name	Kenneth H. Tarbet/43,181		
Signature		Date	February 9, 2004

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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

## Complete if Known

Application Number 10/071,978  
Filing Date February 8, 2002  
First Named Inventor Eric E. Swayze  
Examiner Name Kamsay Hable, Ph.D.  
Art Unit 1624  
Attorney Docket No. IBIS0055-1007/IBIS-0403

METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)																																																																																																																																																																																	
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money <input checked="" type="checkbox"/> Other <input type="checkbox"/> None Order				<b>3. ADDITIONAL FEES</b> Large Entity Small Entity																																																																																																																																																																																	
<input checked="" type="checkbox"/> Deposit Account: Deposit Account Number 50-1275 Deposit Account Name Cozen O'Connor, P.C.				<table border="1"> <thead> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td>For filing a request for ex parte reexamination</td> <td></td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>1805</td> <td>1,840*</td> <td>1805</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252</td> <td>410</td> <td>2252</td> <td>205</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253</td> <td>930</td> <td>2253</td> <td>455</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1254</td> <td>1,450</td> <td>2254</td> <td>725</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255</td> <td>1,970</td> <td>2255</td> <td>985</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401</td> <td>320</td> <td>2401</td> <td>160</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>1402</td> <td>320</td> <td>2402</td> <td>160</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1403</td> <td>280</td> <td>2403</td> <td>140</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>1451</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>1452</td> <td>110</td> <td>2452</td> <td>55</td> <td>Petition to revive - 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late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for ex parte reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for reply within first month		1252	410	2252	205	Extension for reply within second month		1253	930	2253	455	Extension for reply within third month		1254	1,450	2254	725	Extension for reply within fourth month		1255	1,970	2255	985	Extension for reply within fifth month		1401	320	2401	160	Notice of Appeal		1402	320	2402	160	Filing a brief in support of an appeal		1403	280	2403	140	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1453	1,300	2453	650	Petition to revive - unintentional		1501	1,300	2501	650	Utility issue fee (or reissue)		1502	470	2502	235	Design issue fee		1503	630	2503	315	Plant issue fee		1460	130	1460	130	Petitions to the Commissioner		1807	50	1807	50	Processing fee under 37 CFR 1.17 (g)		1806	180	1806	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		1808	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))		1010	750	2910	375	For each additional invention to be examined (37 CFR § 1.129(b))		1801	750	2801	375	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application	
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<b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b> <table border="1"> <thead> <tr> <th>Total Claims</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>210</td> <td>-20**</td> <td>190</td> <td>18</td> </tr> <tr> <td>7</td> <td>-3**</td> <td>4</td> <td>86</td> </tr> <tr> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> </tbody> </table> SUBTOTAL (2) (\$)				Total Claims	Extra Claims	Fee from below	Fee Paid	210	-20**	190	18	7	-3**	4	86	0	0	0	0	**or number previously paid, if greater; For Reissues, see above																																																																																																																																																																	
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SUBMITTED BY			Complete (if applicable)		
Name (Print/Type)	Kenneth H. Tarbet	Registration No. Attorney/Agent	43,181	Telephone	619-234-1700
Signature			Date	February 8, 2004	

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PATENT

DOCKET NO.: IBIS-0403(IBIS0055-100)

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Serial No.: 10/071,978

FEB 09 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Eric E. Swayze, et al.

Serial No.: 10/071,978

Group Art Unit: 1624

Filed: 02/06/2002

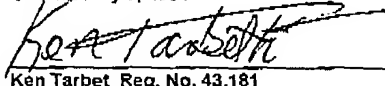
Examiner: Habte, Kahsay

Title: NOVEL BENZIMIDAZOLE COMPOUNDS

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On February 9, 2004



Ken Tarbet Reg. No. 43,181

BOX AF

Commissioner for patents  
PO BOX 1450  
Alexandria, VA 22313-1450

Dear Sir:

AMENDMENT AND REQUEST FOR RECONSIDERATION

In response to the Office Action mailed January 28, 2004 in connection with the above-identified patent application, Applicants respectfully request that the application be amended as follows. As a preliminary matter, Applicant is grateful to the Examiner for providing guidance and assistance through the telephonic interview of February 6, 2004.

Amendments to the Claims are reflected in the listing of claims which begins on page 3.

**DOCKET NO.: IBIS-0403(IBIS0055-100)**  
**SERIAL NO.: 10/071,978**

**PATENT**  
**FILED:02/06/2002**

Remarks/Arguments begin on page 20 of this paper.